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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: DAVID J. FISHER ET AL. ART UNIT: 3636
SERIAL NO.: 09/914,231 EXAMINER: STEPHEN D'ADAMO
FILED: SEPTEMBER 14, 2001
TITLE: SEATING SYSTEM

PETITION TO REVIVE ABANDONED APPLICATION
UNDER THE PROVISIONS OF 37 C.F.R. §1.137(b)

Hon. Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In reply to the fourth Office Action, dated November 7, 2003, Applicant respectfully petitions the Commissioner for Patents to revive the above-identified patent application, pursuant to 37 C.F.R. §1.137(b), on the ground that such application was unintentionally abandoned (i.e., the entire period of delay in meeting the outstanding requirement for

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I hereby certify that this paper is being deposited with the U.S. Postal Service "Express Mail - Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: Hon. Commissioner for Patents, United States Patent and Trademark Office, P. O. Box 1450, Alexandria, Virginia 22313-1450.

Edwin D. Schindler, Reg. No. 31,459

May 10, 2004
Date

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responding to the Office Action, dated November 7, 2003, was unintentional), as a result of a calendaring error, in which the original non-statutory, three-month deadline was calendared as Monday, February 9, 2004 (which was correct), but the statutory six-month deadline for response was incorrectly calendared as Monday, May 10, 2004, rather than November 7, 2004, by virtue of an oversight in taking into account that the original deadline was extended to February 9th, 2004, as a consequence of the intervening weekend in February. The calendar error was discovered on Saturday, November 8, 2004, when preparation for a response by May 10th, 2004, thought to be the statutory six-month deadline, was commenced.

The above-identified patent application went "abandoned" after Monday, February 9th, 2004, and all available extensions of time under 37 C.F.R. §1.136(a), expired after Friday, May 7th, 2004.

In support of this Petition to Revive, the undersigned attorney-of-record hereby submits:

1. The Petition to Revive fee of \$665.00 (small entity), pursuant to 37 C.F.R. §1.17(m); and,
2. A proposed response to the outstanding requirement, i.e., "Amendment in Response to the Fourth Office Action."

With the concurrent submission of the foregoing Response and fee, Applicants respectfully submit that all outstanding

requirements for reviving the above-identified patent application, and returning it to "pending" status, have been satisfied.

I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this petition is directed.

It is, therefore, respectfully submitted that the above-identified patent application should be held as being "unintentionally" abandoned, *i.e.*, that the entire period of delay in responding to the Office Action, dated November 7th, 2003, was unintentional, for the reasons specified herein, and revived under 37 C.F.R. §1.137(b), and that prosecution of the above-identified patent application should be resumed.